

REMARKS

The non-final Office Action of May 30, 2003 was received and carefully reviewed. By the above amendments, each of claims 1-3 have been amended and a new claim 4, which is more specifically drawn to the embodiment of Figure 3, has been added, so that claims 1-4 are now pending. Reconsideration and withdrawal of the currently pending rejections are requested in view of the above-noted actions and for the reasons advanced in detail below.

Initially, the Applicants note that Office Action of May 30th does not address the two items submitted in the Applicants' Amendment of March 24, 2003. (Certificate of Mailing 3/20/03) Specifically, included with that Amendment was a Letter Submitting Corrected Formal Drawings (copy attached) in which the "Prior Art" label had been to Figures 1 and 2 and a reference numeral (26) had been added to the "black box" illustration of the "electronic means" in Figure 3. However, the May 30, 2003 does not indicate receipt and consideration of the Letter Submitting Corrected Formal Drawings and instead states "objections to the drawings set forth in the previous Office Action **still holds**", and the Applicants specifically request that the Letter Submitting Corrected Formal Drawings be considered and an indication of the consideration and acceptance be indicated in the next Office Action.

Further, the Applicants note that Office Action of May 30th does not address the request set forth in the Amendment of March 24th, to consider the foreign prior art documents cited in the Information Disclosure Statement (IDS) of July 17, 2001 since each non-English document submitted, i.e. EP 0,145,745, DE 197 33 919 A1, DE 199 23 116 A1, DE 3814466 A1 and WO 85/05443, included an English language abstract. Therefore, pursuant to MPEP § 609 at part A(3) Concise Explanation of Relevance for Non-English Language Information (page 600-122), the Applicants again respectfully request that the Examiner consider the above identified non-English language documents and acknowledge consideration thereof by returning an initialed copy of the attached PTO-1449 form (a new copy thereof being attached hereto) with the next Office Action. If the Examiner continues to assert that the non-English

language documents submitted with the IDS of July 17, 2001 do not meet the requirements of 37 C.F.R. 1.98, a detailed explanation as to why the attached abstracts for each document do not provide a “concise explanation” is requested.

With regard to the Examiner’s objection to the Amendment of March 24, 2003 (COM 3/20/03), under 35 U.S.C. 132, because it introduces new matter into the disclosure by the submission of amendments to original claim 2, the Applicants respectfully note that such an objection is improper and inconsistent with USPTO practice as specifically recited in MPEP Chapter 2163.06 (I) which clearly states:

If new subject matter is added to the disclosure, whether it be in the abstract, the specification, or the drawings, the examiner should object to the introduction of new matter under 35 U.S.C. 132 or 251 as appropriate, and require applicant to cancel the new matter. If new matter is added to the claims, the examiner should reject the claims under 35 U.S.C. 112, first paragraph - written description requirement. *In re Rasmussen*, 650 F.2d 1212, 211 USPQ 323 (CCPA 1981). The examiner should still consider the subject matter added to the claim in making rejections based on prior art since the new matter rejection may be overcome by applicant. (Emphasis added)

Therefore, only a rejection, under 35 U.S.C. 112 (first paragraph), should be used to address assertions of new matter presented by amendment to the claims. Withdrawal of the Examiner’s objection, under 35 U.S.C. 132, is requested.

With regard to the Examiner’s rejections of claim 2, under 35 U.S.C. 112 (first paragraph), as lacking proper enablement and presenting new matter in the previously proposed amendments to claim 2, Applicant notes that the original specification, at paragraph [0022]-[0024], and Figure 5, clearly provides support for the features of claim 2 which now recites:

Device for measuring or evaluating the relative position of two elements...

- a light source (2) for producing at least one light beam along a beam path connected to a first of the two elements;
- a first two-dimensionally readable optoelectronic sensor (110) and a second two-dimensionally readable optoelectronic sensor (120) each connected to a second of the two elements (500);

- a transmitting mirror (520) located in the beam path in front of the first optoelectronic sensor which can be read out two-dimensionally, the mirror and the sensors being in a relative alignment with respect to each other such that a portion of (125) the at least one light beam incident on a surface of an optoelectronically active layer of the first optoelectronic sensor (110) is reflected, via the mirror (520), directly as a light beam (125') onto a surface of the second two-dimensionally readable optoelectronic sensor (120);
- electronic means (26, corrected Figure 3) for receiving output signals from the optoelectronic sensors, processing the signals, and computing the relative position of the at least one light beam relative to the first two-dimensionally readable optoelectronic sensor.

Further, with regard to the assertion by the Examiner that a mirror, known as a reflector, could not also be transmitting, it is noted that it is well known that the percentage of reflectance and transmittance of a "mirror" can be varied. For example, a search of the USPTO database for the term "transmitting mirror" reveals 216 patents (from 1976) which use that term. U.S. Patents 6,629,100 and 6,618,126 are just two such patents. Additionally, the patent to Cruz (Figure 1, element 24), which has been cited as prior art by the Examiner, also teaches the use of a transmitting mirror in an optoelectronic sensor position determination apparatus. Further, from a reading of the specification at the paragraphs noted above, it is clear to one of ordinary skill that the light from mirror (520) reflects light (125) which reflected light (125') is then transmitted to the second optoelectronic sensor (120). Regardless, the Applicant has provided the non-narrowing amendment to claim 2 removing term "transmitting" except for its initial occurrence. For the above reasons, one of ordinary skill in the art is clearly taught by the specification as originally filed how to make and use the invention of claim 2 as presently amended and one of ordinary skill in the prior art would recognize that the original specification does in fact teach the invention set forth in claim 2, given what such a person would already know. Therefore, withdrawal of the rejections of claim 2, under § 112 (first paragraph), is respectfully requested.

With regard to the Examiner's objections to the claims 1-4 for use of the terms "incidences," "proportionally reflected," and "the first optoelectronic sensor", the Applicant asserts that, when viewed in light of Figures 3 & 5 and the specification, at paragraphs [0017] and [0023], which clearly and unequivocally state that "the reflected portion 125" of light beam 25 which is "incident" on the first sensor (110) is reflected via mirror 520 of Figure 5 onto (i.e., is incident upon) the surface of the second sensor (120), one of ordinary skill in the art would be aware of the nature of the claimed invention and that the Applicant had possession of the invention as claimed, under § 112 (second paragraph), at the time of filing the instant application. However, for purposes of clarity only, claims 1-4 have been amended, so as to be rephrased without narrowing the intended scope, to state that:

a "portion" of the light beam incident on the surface of the first "two-dimensionally readable" optoelectronic sensor is reflected by the surface of the "first two-dimensionally readable optoelectronic sensor" onto (incident) the surface of the second...sensor.

Finally, since the light beam (25, 125) is clearly taught by the specification, paragraph [0017], and claim 4 to be incident on the surfaces of the first and second optoelectronic sensors, the use of the term "incidences" in claim 4 is believed to be an accurate and precise statement of the invention.

With regard to the Examiner's rejections of:

Claim 1, 3 and 4, under 35 U.S.C. 103(a), as being obvious in view of the teachings of Holzl ('998) combined with the teachings of the Applicant's Admitted Prior Art (AAPA),

Claim 2, under 35 U.S.C. 103(a), as being obvious in view of the teachings of Holzl ('998) combined with the teachings of the Applicant's Admitted Prior Art (AAPA) and Cruz ('877), and

Claims 1-4, under the judicially established doctrine of obviousness-type double patenting, as being obvious in view of the teachings claim 1-6 of co-pending U.S. Patent Application No. 10/253,698, set forth at pages 4-7 of the Office Action

each of these rejections is respectfully traversed for the following reasons.

Initially, the Applicant asserts that obviousness-type double patenting rejection is properly only provisional in nature and no action need be taken until the final status of the claims of this application and U.S. Patent Application No. 10/253,698 has been determined. Furthermore, it is submitted that this rejection is inconsistent with the restriction in U.S. Patent Application No. 10/253,698 in that the claims of that application cannot be both patentably distinct from each other and all obvious over the counterpart claims which have been examined in this application. Either this rejection or that restriction requirement should be withdrawn, but both cannot be properly be maintained. Thus, until this inconsistency is resolved, Applicant cannot properly address this rejection.

With regard to the prior art rejections, under § 103(a), the presently claimed invention of independent claim 1 sets forth the following features, that are also set forth in claims 2-4:

...a first two-dimensionally readable optoelectronic sensor and at least one second two-dimensionally readable optoelectronic sensor connected to a second of the two elements each of which are in a relative alignment with respect to each other such that a portion of light beam incident on a surface of an optoelectronically active layer of the first optoelectronic sensor is reflected by the surface of the optoelectronically active layer directly as a light beam onto a surface of the at least one second two-dimensionally readable optoelectronic sensor;

- electronic means for receiving output signals from each of the optoelectronic sensors, processing the signals, and computing the relative position of the light source means relative to the incidences of the at least one light beam on the surfaces of the two-dimensionally readable optoelectronic sensors. (emphasis added)

As pointed out previously, a review of the Holzl reference reveals that the patentee does not disclose the device structure of claim 1 since there is no first and second optoelectronic sensor mounted on the second of two elements wherein the first optoelectronic sensor reflects a portion of the light beam impinging thereof onto the second optoelectronic sensor. To the contrary, Holzl teaches that when a reflected light beam embodiment is to be employed, only one optoelectronic sensor is used and

it is mounted on the first of two elements (Figure 1, element 7). Further, the patentee teaches that when two optoelectronic sensors are mounted on the second of two elements (Figures 2, 3; elements 9, 10), it is not the reflectance of the first optoelectronic sensor, but the transmittance of the first optoelectronic sensor that is employed to provide signals which will be used to determine the alignment of the two elements.

The Examiner asserts that the noted deficiencies of Holzl are remedied by the teachings of the AAPA since "a reflective type optoelectronic sensor such as a CMOS sensor circuit is *commercially available*" in the specification at page 5. However, the Applicant asserts that Examiner has clearly mischaracterized the teachings of the AAPA since, while the specification states that a CMOS sensor circuit (IC) useful for the present invention is available from HP/Agilent, what is not taught/suggested by the AAPA (or Holzl) is that the reflective capabilities of the surface of a first optoelectronic sensor can be utilized as a no-cost improvement to the two-sensor position determination system of which Holzl prefers to use the transmittance of the first optoelectronic sensor to provide accurate position determinations in combination with a second optoelectronic sensor receiving the transmitted light from the first optoelectronic sensor.

In fact, it is conventional for optoelectronic sensors to be provided with an anti-reflection coating to reduce the reflectivity of the sensor, i.e., improve the transmittance as required by Holzl. A search of the USPTO patent database (attached) for "(antireflection or 'anti-reflection coating') and (optical or video or camera) and (sensor)" reveals that there are more than 1000 patents which disclose such coatings for optoelectronic sensors. The Sulzbach ('186) and ('442) patents, from that database search, are just two examples of the need for anti-reflection coatings on the surface optical sensors. The Examiner has not established, through any teachings of Holzl or the AAPA, that one of ordinary skill in the art could take advantage of the ability of the surface of an optoelectronic sensor to be reflective and use that supposedly undesirable feature (as evidenced by the common use of anti-reflection coatings on

such sensors) to provide a simple low cost apparatus for determining the positional relationship of elements which avoids the need for a partially transmitting reflector as in the prior art illustrated by Figures 1, 2, elements 12, 40 or as shown in Cruz.

Finally, the Examiner states in the Office action that "it is implicitly true the whether the light incident on the second detector is reflected or transmitted from the first detector the operational principle for obtaining the relative position between the two shafts or elements do not change." The Examiner, in making such a statement, has again evidenced a failure to understand the inventive concept outlined in the specification. That is, only the Applicant has established that sufficient light can be reflected from the surface of a first optoelectronic sensor to be received upon the surface of a properly positioned second optoelectronic sensor to enable the second sensor to sense the impinging reflected light and output a signal which accurately represents the position of the reflected light (beam) on the second optoelectronic sensor. The fact that a two optoelectronic sensor system can be used to determine accurate positional relationships between machine parts or elements is not an issue relevant to a determination of obviousness of the present invention since the AAPA (Figures 1, 2) and Holzl already clearly establish such a point, the issue is how is such achieved, and as noted above, the art does not teach use of the reflectance of an optoelectronic sensor in the manner of the present invention.

Therefore, in light of the deficiencies discussed above in the cited prior art, a *prima facie* case of obviousness has not been established by the combination of the teachings of Holzl and AAPA, and consequently, the rejection of claims 1, 3 and 4, under § 103(a), is improper and should now be withdrawn.

With regard to the teachings of the Cruz reference, cited to teach the use of a partially transmitting mirror in a two optoelectronic sensor positioning apparatus, a review of the reference reveals no teaching which remedies the deficiencies of the Holzl reference or the AAPA as outlined above. Consequently, the rejection of claim 2, under § 103(a), based upon the teachings of Holzl, AAPA and Cruz is also improper and should be withdrawn.

The present application should now be in condition for allowance and action to that effect is requested. However, should the Examiner find some issue to remain unresolved, or should any new issue arise, which could be eliminated through discussions with the Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Lastly, it is noted that a separate Petition for Extension of Time (three months) accompanies this response along with an authorization to charge the requisite extension of time fee to Deposit Account No. 19-2380 (741124-79). However, should that petition become separated from this Amendment, then this Amendment should be construed as containing such a petition. Likewise, any overage or shortage in the required payment should be applied to Deposit Account No. 19-2380 (741124-79).

Respectfully submitted,

By:


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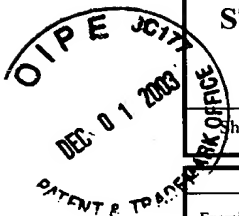
PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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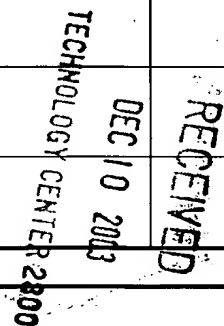
Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	09/817,797
				Filing Date	March 27, 2001
				First Named Inventor	Michael HERMANN
				Group Art Unit	2877
				Examiner Name	Unknown
Sheet	1	of	1	Attorney Docket Number	741124-79



U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
		EP	0 145 745		Lysen	06-26-1985		
		DE	38 14 466	A1	Lysen et al.	11-09-1989		
		DE	199 23 116	A1	Lysen et al.	12-30-1999		
		DE	197 33 919	A1	Busch et al.	02-18-1999		
		WO	85/05443		Lysen	12-05-1985		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²



Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

This will acknowledge receipt of the following:

1. Transmittal Form w/ Certificate of Correction
2. Fee Transmittal Form w/ Certificate of Correction
3. Submission of Formal Drawings (2 sheets, Figs. 1-3)
4. Amendment w/ Certificate of Correction
5. Check No. 7349 in the amount of \$930.00 (Extension of Time - \$930.00)

In re Patent Application of:

Inventor(s): Michael HERMANN

Serial No.: 09/817,797

Filed: March 27, 2001

Title: DEVICE FOR QUANTITATIVE ASSESSMENT OF THE ALIGNED POSITION OF TWO MACHINE PARTS, WORKPIECES OR THE LIKE

Due Date: 03/20/03

Docket No. 741124-79

DSS/JWM/adc

Date: 03-20-03

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NIXON PEABODY LLP

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/817,797
	Filing Date	March 27, 2001
	First Named Inventor	Michael HERMANN
	Group Art Unit	2872
	Examiner Name	A. Chang
Total Number of Pages in This Submission	Attorney Docket Number	741124-79

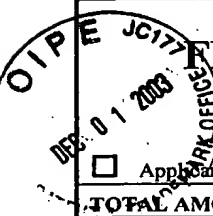
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Other Enclosure(s): <u>Copies of U.S. Patent No. 3,954,165 and U.S. Patent No. 6,337,742</u>
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 (741124-79) for the above identified docket number.

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	<u>David S. Safran, Reg. No. 27,997</u> Nixon Peabody LLP 8180 Greensboro Drive Suite 800 McLean, VA 22102
Signature	
Date	March 20, 2003

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>3-20-03</u>			
Type or printed name	April Campbell		
Signature		Date	March 20, 2003

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FREE TRANSMITTAL FOR FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$930.00)

Complete if Known	
Application Number	09/817,797
Filing Date	March 27, 2001
First Named Inventor	Michael HERMANN
Examiner Name	A. Chang
Art Unit	2872
Attorney Docket No.	741124-79

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:
Deposit Account Number: 19-2380 (741124-79)
Deposit Account Name: Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: -20** = X = Fee Paid:

Independent Claims: -3** = X = Fee Paid:

Multiple Dependent: X = Fee Paid:

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	410	2252	205	Extension for reply within second month
1253	930	2253	465	Extension for reply within third month
1254	1,450	2254	725	Extension for reply within fourth month
1255	1,970	2255	985	Extension for reply within fifth month
1401	320	2401	160	Notice of Appeal
1402	320	2402	160	Filing a brief in support of an appeal
1403	280	2403	140	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,300	2453	650	Petition to revive - unintentional
1501	1,300	2501	650	Utility issue fee (or reissue)
1502	470	2502	235	Design issue fee
1503	630	2503	315	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))
1801	750	2801	375	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
Other fee (specify) _____				
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$930.00)

CERTIFICATE OF MAILING

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Name: April Campbell

SUBMITTED BY

Name (Print/Type)	David S. Safran	Registration No.	27,997	Telephone	(703) 770-9300
Signature		(Attorney/Agent)		Date	March 20, 2003

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DEC 10 2003

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 741124-79
In re Application of Michael HERMANN		
Application Number 09/817,797		Filed March 27, 2001
For DEVICE FOR QUANTITATIVE ASSESSMENT OF THE ALIGNED POSITION OF TWO MACHINE PARTS, WORKPIECES OR THE LIKE		
Group Art Unit 2872		Examiner A. Chang

CERTIFICATE OF MAILING
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Name: April Campbell

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) - (\$55/\$110) \$ _____
- ☐ Two months (37 CFR 1.17(a)(2)) - (\$205/\$410) \$ _____
- ☒ Three months (37 CFR 1.17(a)(3)) - (\$465/\$930) \$ 930.00
- ☐ Four months (37 CFR 1.17(a)(4)) - (\$725/\$1450) \$ _____
- ☐ Five months (37 CFR 1.17(a)(5)) - (\$985/\$1970) \$ _____
- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is \$ _____.
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 19-2380 (741124-79). I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71.
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).
 Registration number if acting under 37 CFR 1.34(a) _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

March 20, 2003

Date

Signature

David S. Safran, Reg. No. 27,997

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 741124-79
In re Application of Michael HERMANN		
Application Number 09/817,797		Filed March 27, 2001
For DEVICE FOR QUANTITATIVE ASSESSMENT OF THE ALIGNED POSITION OF TWO MACHINE PARTS, WORKPIECES OR THE LIKE		
Group Art Unit 2872		Examiner A. Chang

CERTIFICATE OF MAILING
 I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, DC 20231, on March 20, 2003.

Name: April Campbell

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) - (\$55/\$110) \$ _____
- ☐ Two months (37 CFR 1.17(a)(2)) - (\$205/\$410) \$ _____
- ☒ Three months (37 CFR 1.17(a)(3)) - (\$465/\$930) \$ 930.00
- ☐ Four months (37 CFR 1.17(a)(4)) - (\$725/\$1450) \$ _____
- ☐ Five months (37 CFR 1.17(a)(5)) - (\$985/\$1970) \$ _____
- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is \$ _____.
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 19-2380 (741124-79). I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71.
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).
 Registration number if acting under 37 CFR 1.34(a) _____

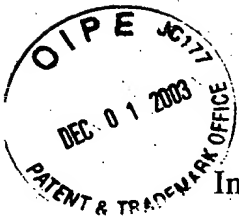
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

March 20, 2003
 Date

David S. Safran
 Signature
 David S. Safran, Reg. No. 27,997
 Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.



Docket No. 741124-79

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)

Michael HERMANN)

Application No.: 09/817,797)

Filed: March 27, 2001)

For: DEVICE FOR QUANTITATIVE)
ASSESSMENT OF THE ALIGNED)
POSITION OF TWO MACHINE PARTS,)
WORKPIECES OR THE LIKE)

Group Art Unit: 2872

Examiner: A. Chang

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LETTER SUBMITTING CORRECTED FORMAL DRAWINGS

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action of September 20, 2002 for the above-captioned patent application, the Applicant submits two sheets of formal drawings, containing Figures 1-3, illustrating the "electronic means" feature of claims 1-3 (computer 26), and identifying Figures 1-2 as "Prior Art", as required by MPEP Chapter 608.02. Approval and entry is respectfully requested.

Respectfully submitted,

DSS/JWM

NIXON PEABODY LLP
8180 Greensboro Drive, Suite 800
McLean, Virginia 22102
Telephone: (703) 770-9300
Facsimile (703) 770-9400

By: 

David S. Safran

Registration No. 27,997

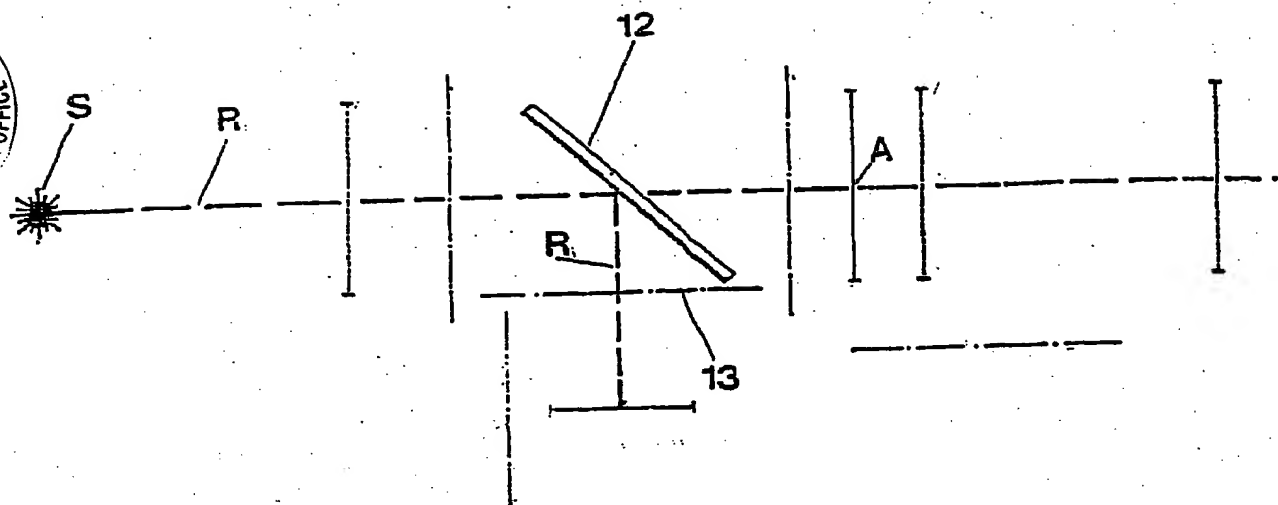


Fig. 1 (Prior Art)

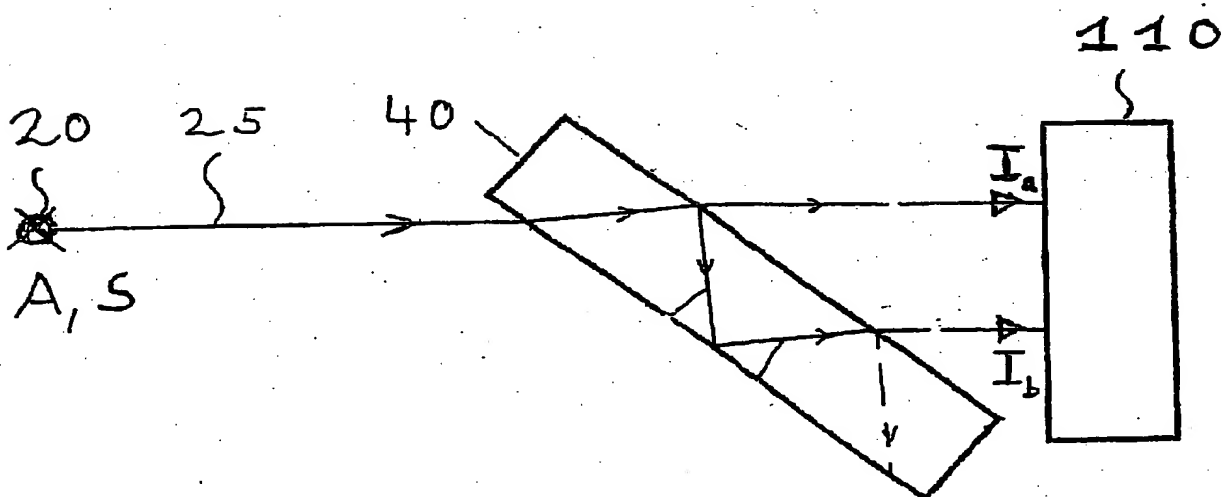


Fig. 2 (Prior Art)

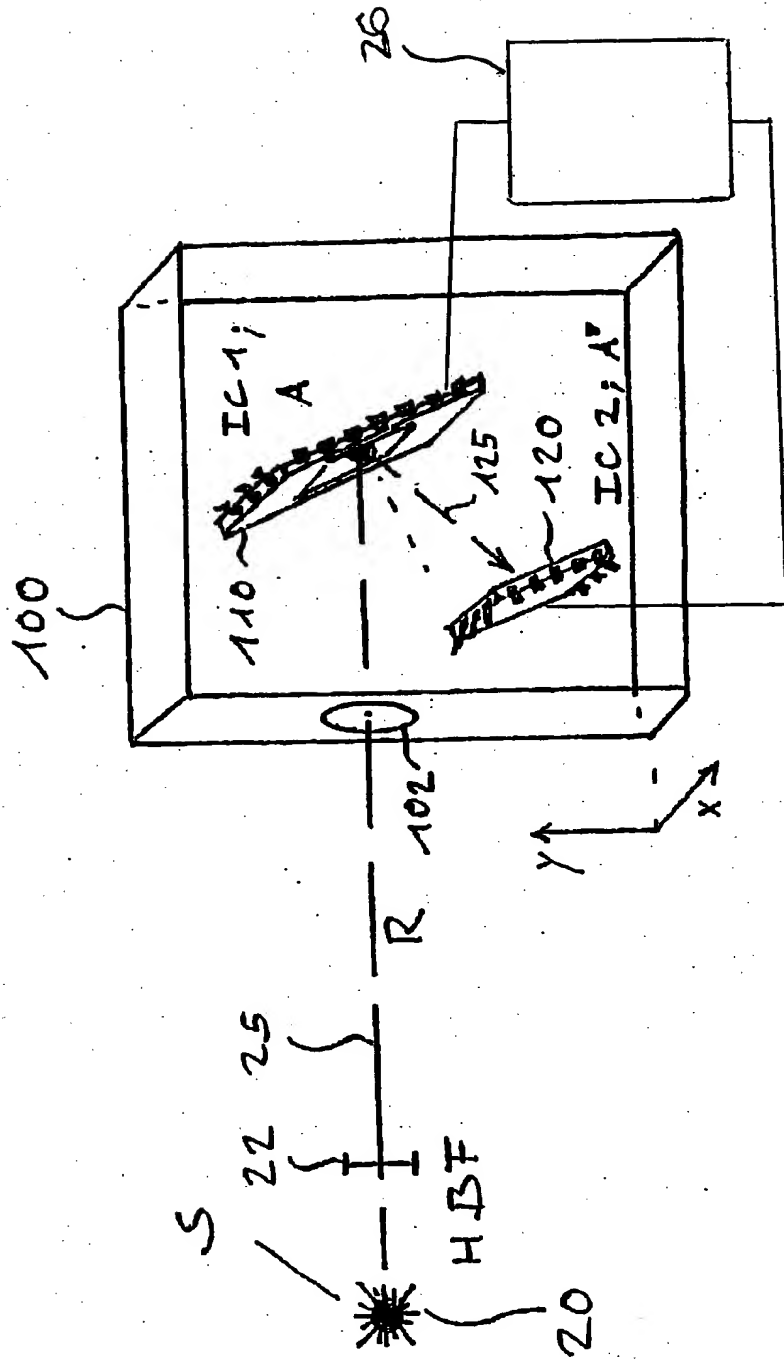


Fig. 3

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((SPEC/(antireflection OR "anti-reflection coating") AND ((optical\$ OR video) OR camera)) AND sensor\$): 1012 patents.

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PAT. NO.	Title
1 6,650,916	Method and apparatus for providing high contrast imaging
2 6,650,474	Optical filter and optical device provided with this optical filter
3 6,650,455	Photonic mems and structures
4 6,650,419	Interferometric apparatus for precision measurement of altitude to a surface
5 6,649,951	Light-receiving element and photoelectric conversion device
6 6,647,350	Radiometric temperature measurement system
7 6,646,742	Optical device and method for multi-angle laser light scatter
8 6,646,636	Display system utilizing ambient light and a dedicated light source
9 6,643,024	Apparatus and method(s) for reducing the effects of coherent artifacts in an interferometer
10 6,642,998	Measuring device
11 6,642,994	Optical exposure apparatus and photo-cleaning method
12 6,637,882	Eye viewing device for retinal viewing through undilated pupil
13 6,636,678	Method and apparatus for waveguide optics and devices
14 6,635,912	CMOS image sensor and manufacturing method thereof
15 6,633,381	Polychromatic fluorescence measurement device
16 6,631,004	Single-pass and multi-pass interferometry systems having a dynamic beam-steering assembly for measuring distance, angle, and dispersion
17 6,628,432	Image reader and image reading method
18 6,628,355	Liquid crystal display panel including a light shielding film to control incident light

- 19 [6,627,892](#) **T** [Infrared detector packaged with improved antireflection element](#)
- 20 [6,627,864](#) **T** [Thin image sensor package](#)
- 21 [6,626,532](#) **T** [Vari-focal spectacles](#)
- 22 [6,625,336](#) **T** [Optical sensor having dielectric film stack](#)
- 23 [6,621,584](#) **T** [Method and apparatus for in-situ monitoring of thickness during chemical-mechanical polishing](#)
- 24 [6,621,571](#) **T** [Method and apparatus for inspecting defects in a patterned specimen](#)
- 25 [6,621,561](#) **T** [Doppler rotational velocity sensor](#)
- 26 [6,621,557](#) **T** [Projection exposure apparatus and exposure methods](#)
- 27 [6,620,712](#) **T** [Defined sacrificial region via ion implantation for micro-opto-electro-mechanical system \(MOEMS\) applications](#)
- 28 [6,620,249](#) **T** [Method and apparatus for depositing thin layers](#)
- 29 [6,619,799](#) **T** [Optical lens system with electro-active lens having alterably different focal lengths](#)
- 30 [6,618,209](#) **T** [Optical apparatus](#)
- 31 [6,618,150](#) **T** [Compact transform spectrometer based on sampling a standing wave](#)
- 32 [6,618,141](#) **T** [Device for measurement of the spectral reflectance and process for measurement of the spectral reflectance](#)
- 33 [6,618,128](#) **T** [Optical speed sensing system](#)
- 34 [6,617,623](#) **T** [Multi-layered gate for a CMOS imager](#)
- 35 [6,614,827](#) **T** [High power laser](#)
- 36 [6,614,742](#) **T** [Optical head, magneto-optical head, disk apparatus and manufacturing method of optical head](#)
- 37 [6,611,546](#) **T** [Optical transmitter comprising a stepwise tunable laser](#)
- 38 [6,608,961](#) **T** [Optical system including a planar waveguide](#)
- 39 [6,608,847](#) **T** [Tunable laser with suppression of spontaneous emission](#)
- 40 [6,608,685](#) **T** [Tunable Fabry-Perot interferometer, and associated methods](#)
- 41 [6,608,677](#) **T** [Mini-lidar sensor for the remote stand-off sensing of chemical/biological substances and method for sensing same](#)
- 42 [6,608,671](#) **T** [Detector and screening device for ion channels](#)
- 43 [6,606,446](#) **T** [Miniature variable attenuator](#)
- 44 [6,606,340](#) **T** [Continuously grating-tuned external cavity laser with automatic suppression of source spontaneous emission and amplified spontaneous emission](#)
- 45 [6,606,171](#) **T** [Digitizing scanner](#)
- 46 [6,606,144](#) **T** [Projection exposure methods and apparatus, and projection optical systems](#)
- 47 [6,603,443](#) **T** [Compact display system controlled by eye position sensory system](#)
- 48 [6,597,449](#) **T** [Real time process control of optical components using linearly swept tunable laser](#)
- 49 [6,593,636](#) **T** [High speed silicon photodiodes and method of manufacture](#)
- 50 [6,593,213](#) **T** [Synthesis of layers, coatings or films using electrostatic fields](#)

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